



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 27, 2014

The Honorable Thomas M. Middleton
Members of the Senate Finance Committee
Room 3 East
Miller Senate Building
Annapolis, MD 21401

Re: Letter of Information: Senate Bill 631 - *Environment – Retail Service Stations – Setback Certification*

Dear Chairman Middleton and Committee Members:

The Maryland Department of the Environment (MDE or “the Department”) is supportive of the goals set out in SB 631 and would like to offer some information for the committee’s consideration. This bill imposes a setback requirement of three hundred feet on new gasoline stations projected to sell more than 3,600,000 gallons of gasoline and requires the Department to establish other setback distances for gasoline stations selling between 5,000,000 and 20,000,000 gallons yearly.

From a protection of public health perspective, the Department is supportive of the principle of placing distance between air pollution sources and people. Under the current regulatory structure, all gasoline stations are regulated uniformly regardless of size or location and are required to install and maintain specific pollution capturing equipment. This is not to say that a gasoline station, once permitted, poses zero risk to the public, especially nearby residents and businesses. There are a number of petroleum based toxic air pollutants that are emitted from gasoline stations that pose some level of risk to public health from the delivery and dispensing of fuel and the idling of vehicles. The difficulties are quantifying that risk, especially the incremental risk beyond existing levels, and determining what risk level is acceptable. A further complication in assessing potential risk is that available tools do not capture very well the cumulative effects of multiple toxic air pollutants or the incremental effect a single pollutant from multiple sources may have on public health.

Because of these difficulties, the Department has not developed a risk-based regulatory scheme for permitting large gasoline stations. To establish setback requirements for stations as large as those mentioned in the bill would be a significant undertaking. Resources beyond what the Department can currently provide, be it staff or contractors, would be needed to gather pollutant, facility and health data; evaluate exposure and risk levels; and develop and run mathematical models. Until such an exercise can be undertaken, we must rely on imposing technology-based requirements as our basis for protecting public health.



Despite our reliance on the current technology-based approach, we do, as noted earlier, recognize that there is some unmeasured level of risk associated with gasoline stations having large throughputs. We note that California and the U.S. Environmental Protection Agency also recognize this fact and support setback distances as well. The three hundred foot setback requirement in Senate Bill 631 would help address this risk by providing an added measure of public health protection beyond what the Department's approach now offers.

If you have any questions, please contact me at 410-260-6301 or by email at Jeffrey.fretwell@maryland.gov.

Sincerely,



Jeffrey Fretwell

cc: George (Tad) S. Aburn, Jr., Director, Air and Radiation Management Administration

